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The Inter-American Treaty of Reciprocal Assistance signed at Rio de Janeiro, Brazil, on September 2, 1947.

This Treaty was negotiated and signed pursuant to the recommendation contained in Resolution VIII of the Inter-American Conference on Problems of War and Peace, which met in Mexico City during February-March, 1945. Resolution VIII recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America.

Nineteen of the twenty-one American Republics signed the Treaty. The present Nicaraguan Government is not recognized by most of the other American Republics and consequently was not represented at the Rio Conference. A revolutionary change of government took place in Ecuador during the Conference, and the Ecuadoran delegation withdrew before the signature of the Treaty. Article 23 provides that the Treaty is open for signature by the American States at the city of Rio de Janeiro; that it shall be ratified by the Signatory States as soon as possible in accordance with their respective constitutional processes; and that notification of deposit of ratifications with the Pan American Union shall be considered as an exchange of ratifications.

The Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union, when two-thirds of the Signatory States have deposited their ratifications. The Treaty shall remain in force indefinitely, but shall cease to be in force with respect to any State two years from the date of receipt by the Pan American

Union of a notification of denunciation from such State. The Treaty shall come into effect between the States which ratify it as soon as the ratifications of two-thirds of the Signatory States have been deposited.

There was only one reservation made in signing the Treaty: Honduras, referring to the provision about armed invasion of the territory of an American State (Art. 9, section b), registered its reservation defining the boundary between Honduras and Nicaragua.

Condemnation of war; peaceful settlement of disputes.

Under the provisions of Articles 1 and 2 of the Treaty, the High Contracting Parties formally condemn war and undertake not to resort to the threat or use of force in any manner inconsistent with the provisions of the UN Charter or the Treaty; and undertake to settle all controversies between them by peaceful means, utilizing procedures in force in the Inter-American system before referring controversies to the General Assembly or Security Council of the UN.

Meeting armed attacks.

Article 3 provides; (1) that an armed attack by any State against an American State shall be considered as an attack against all the American States; and each of the Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Art. 51 of the UN Charter; (2) that on the request of the State or States directly attacked each of the Contracting Parties may determine the immediate measures it may take, and that

there shall be consultation without delay to examine those measures and to agree on collective measures; (3) that the provisions of this Article shall apply to any armed attack which takes place within the region described in Article 4 or within the territory of an American State, while the provisions of Article 6 shall apply when the attack takes place outside of the said areas; and (4) that measures of self-defense provided for under this Article may be taken until the Security Council of the UN has taken measures necessary to maintain international peace and security.

Point (3) was basically a Mexican suggestion and was due to a desire to limit to some extent the commitments for immediate, individual assistance in cases where armed attacks against the forces of an American State might occur outside of the specified areas.

Region to which Treaty refers.

Article 4 defines the region referred to in Article 3 (3). The region includes the land masses, and parts of the surrounding oceans, of North America, Greenland, Central America, and South America. Iceland is not included. Bermuda, the West Indies, and the islands lying east of the southern tip of South America are within the region; as are the Galapagos Islands and the Aleutian Islands. From a point at 65°-30' N., 169°W., the western boundary of the region runs due north to the North Pole.

Information for Security Council.

Article 5 provides for submitting information to

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the Security Council in conformity with Articles 51 and 54 of the UN Charter.

Armed attacks outside of the region defined in Article 4.

Article 6 refers to any aggression against an American State "which is not an armed attack", to "extra-continental or intra-continental conflict", and to "any other fact or situation that might endanger the peace of America". In such cases, there shall be immediate consultation "to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent". There is no commitment for individual measures of asáistance prior to the consultation.

Conflicts between two or more American States.

Article 7 serves to modify slightly the provisions of Article 3 in cases where armed conflict may occur between two or more American States. In such cases, the required first step to be taken in consultation is a collective call upon the contending States to suspend hostilities and restore matters to the statu quo ante bellum, following which all other necessary measures shall be taken to assure peace and security and the solution of the conflict by peaceful means. These provisions are "without prejudice to the right of self-defense in conformity with Article 51 of the Charter of the United Nations", so that individual action by any

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American State could be taken under the provisions of Article 3.

Measures to be employed.

For the purposes of the Treaty, the measures on which the Organ of Consultation may agree range from recall of chiefs of diplomatic missions to use of armed force. These measures specified in Article 8 are similar to those mentioned in Articles 41 and 42 of the UN Charter.

Definition of aggression.

Article 9 provides that in addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such: (a) unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State; (b) invasion, by the armed forces of a State, of the territory of an American State, or, in the absence of demarcated frontiers, invasion affecting a region which is under the effective jurisdiction of another State.

These definitions are not limited to American States except for the one mention in Clause (b) of the invasion "of the territory of an American State."

The UN Charter contains no definition of aggression. The Security Council shall determine the existence of any ---------act of aggression (Art. 39). In the Inter-American Treaty of Reciprocal Assistance, the Organ of Consultation - as has been noted - has a similar authority to characterize acts as aggression, in addition to the acts defined as aggression.

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It may be anticipated that an aggressor State would seek to defend itself against a charge of armed attack as specified in Clause (a) of Article 9 by claiming that its attack was provoked and not unprovoked.

Safeguarding clause regarding UN.

Article 10 of the Treaty reads: "None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations."

Article 10 appears to assure to the United States practically full freedom of action in respect of the Monroe Doctrine. Under Clause 2 of Article 3 of the Treaty, individual measures taken by any American State in case of an armed attack against an American State may be determined by each of the Contracting Parties "on request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System". Freedom of individual action consequently is limited by this provision; although Clause 1 of Article 3 does commit the Contracting Parties "to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations." Article 10 makes it clear that any individual action taken by an American State in accordance with its rights and obligations under the UN Charter would not be contrary to the provisions of the Treaty. Acting under the provisions of Article 51 of the UN Charter, and with a veto power in the Security Council, the United States could take individual action for its own self-defense if an armed attack were made against any American State.

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Procedure of Consultation.

Article 11, 12 and 13 of the Treaty provide that consultations shall be carried out by means of Meetings of Ministers of Foreign Affairs or in any other manner that may be agreed upon; that the Governing Board of the Pan American Union may act provisionally as an organ of consultation; and that consultations shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.

The Inter-American system of consultation is strongly supported by some influential leaders of both parties in the U.S. Senate.

Voting procedure.

Articles 14 to 19, inclusive, contain provisions regarding voting procedure. Only the representatives of the Signatory States which have ratified the Treaty may take part in the voting referred to in the Treaty. The Governing Board of the Pan American Union shall maintain liaison among the Signatory States which have ratified the Treaty and between these States and the United Nations in all matters concerning the Treaty; and decisions of the Governing Board in this liaison activity, as well as in matters relating to requests for consultation, shall be taken by an absolute majority of the Members entitled to vote. The Organ of Consultation shall take its decisions by a vote of two-thirds of the Signatory States which have ratified the Treaty. In the case of a situation or dispute between American States,

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the parties directly interested shall be excluded from the voting in the Governing Board and the Organ of Consultation. A quorum in all the meetings referred to in the Treaty shall be representatives of at least as many States as equal the number of votes necessary for the taking of the decision (that is, a simple or a two-thirds majority of Signatory States, as the case may be).

This voting procedure marks an abandonment of the principle of unanimity (veto power) which had governed inter-American decisions for many years. It is similar to the UN General Assembly procedure (Art. 18 of Charter), which provides for simple majority and two-thirds majority voting. The veto power (unanimity) still is retained in the Security Council (Art. 27 of Charter) for decisions on substantive matters as far as the five permanent members of the Council are concerned. Article 27 of the UN Charter also provides that a party to a dispute shall abstain from voting in decisions on pacific settlements of disputes (see Art. 18 of Rio Treaty for similar provision governing disputes between American States).

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Execution of measures agreed upon.

Articles 20 and 21 of the Treaty provide that decisions which require the application of the measures specified in Article 8 (see sub-heading "Measures to be employed") shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent; and that the measures agreed upon by the Organ of Consultation shall be executed through the procedures and agencies now existing or those which may in the future be established.

These provisions are generally similar to comparable provisions in the UN Charter. The United States, if it ratifies the Treaty, agrees to be bound by a two-thirds vote of the Signatory States in the application of measures against aggressors. Under the provisions of Article 20, of course, it will not be required to use armed force without its consent. Also, in the case of a two-thirds vote to abstain from action, signatories are not bound. They only are bound by "decisions which require the application of the measures specified in Article 8."

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Presumably the Treaty, supported by Senators Vandenberg and Connally, will come before the Senate for ratification at the next session of the Congress. The two Senators were delegates at the Rio Conference. There is a possibility that legislation may be necessary to grant or to clarify Executive authority to carry out

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any measures (economic sanctions, et cetera) which may be agreed upon by two-thirds vote of the Organ of Consultation under the provisions of Articles 8 and 20 of the Treaty.

In summary, the following are among the interesting points in the Treaty:

1. It provides a revealing commentary upon the relationship between the strongest and oldest regional organization and the United Nations. The preamble to the Treaty reiterates the will of the American Republics "to remain united in an inter-American system consistent with the purposes and principles of the United Nations". There are several references in the Treaty to the Charter of the United Nations, and there was an obvious and successful intention to have the Treaty provisions in accord with the Charter. However, there is equally evident the determination of the American Republics to strengthen their regional system and to retain for it a high degree of autonomy: witness, for example, the phraseology in Article 2 "to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations."

2. The American Republics again formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of the Treaty. The peaceful settlement of disputes is stressed.

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3. The Inter-American system of consultation is further strengthened by Treaty provisions.

4. The principle that an armed attack by a non-American State against an American State shall be considered as an attack against all the American States is broadened so as to apply also if one American State attacks another American State.

5. There is a renewal of the commitment of all American Republics to assist in meeting such attacks, although slight differences in procedure are to apply according to: (a) attacks by a non-American power within the territory of an American Republic or within a specified western hemisphere defense area; (b) attacks which may take place outside of such areas; and (c) disputes or conflicts between American States.

6. The principle of unanimity, once dominant in Inter-American affairs, is abandoned in favor of simple or two-thirds majority voting procedure.

7. Decisions of a two-thirds majority in the Organ of Consultation are to be binding on all Signatory States which have ratified the Treaty, except that no State shall be required to use armed force without its consent.

8. The United States and other Signatories still have very substantial freedom of individual action as concerns their own defense. This applies particularly to the United States because of its permanent membership on the UN Security Council (re: Art. 10 of Treaty).

9. The Treaty goes beyond the UN Charter in that it defines certain acts of aggression. Another fundamental difference between the regional organization and the UN is the absence in the former of the veto principle.

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10. No provision is made in the Treaty for implementation of defense measures. There is no body similar to the Military Staff Committee of the United Nations, although the Inter-American Defense Board which was established during the war still is functioning. The question of implementation was deliberately postponed, by decision of the American Republics, for consideration at the Ninth International Conference of American States which is to meet at Bogotá in January, 1948. An important factor is our own pending legislation which would provide for standardization on U.S. lines of military equipment and training in the American Republics. It will be of interest, also, to watch developments in the establishment of a permanent body similar to the UN Military Staff Committee to succeed the Inter-American Defense Board. Indications are that the American Republics will wish to retain in their own hand as large a measure of control as possible in all matters relating to the defense and security of the western hemisphere.

11. The real tests of the value of the Treaty will be the number and promptness of ratifications and the good faith and effectiveness with which the provisions of the Treaty are applied.

Copies:

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